

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

Lead Case No.: 6:12-cv-499-LED

vs.

Civil Action No. 6:12-cv-688-LED

IMAGEWARE SYSTEMS, INC.,

Defendant.

JURY TRIAL DEMANDED

**DEFENDANT IMAGEWARE SYSTEMS, INC.'S NOTICE IN RESPONSE TO
PLAINTIFF BLUE SPIKE, LLC'S NOTICE (DKT. #951)**

Defendant ImageWare Systems, Inc. ("ImageWare") hereby responds to the Notice filed by Plaintiff Blue Spike, LLC [DKT #951] and would show the Court as follows:

ImageWare originally filed its Motion to Dismiss Plaintiff's Original Complaint on December 10, 2012 at DKT #327. Briefing on that motion was completed on January 17, 2013 [DKT #464].

Pursuant to the Court's Order of March 26, 2013 [DKT #530], ImageWare re-filed its Motion to Dismiss Plaintiff's Original Complaint on March 27, 2013 [DKT #539].

On August 13, 2013, Plaintiff filed its First Amended Complaint against ImageWare without leave of Court [DKT #919]. In response to the Amended Complaint, on August 30, 2013, ImageWare filed its Motion to Dismiss as to the Amended Complaint [DKT #940].

Accordingly, ImageWare's Motion to Dismiss the Amended Complaint under Fed. R. Civ. P. 12(b)(6) [DKT #940] remains ImageWare's operative responsive pleading in this case and remains pending before the Court.

DATED: September 10, 2013

Respectfully submitted,

By: /s/ Michael E. Jones

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 10, 2013.

/s/ Michael E. Jones